

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

TERRENCE M. GORE,	)	
Petitioner,	)	
vs.	)	No. 3:15-CV-0272-K (BH)
	)	
TENE CALLAHAN,	)	
Judge, 302nd Judicial District Court,	)	
Respondent.	)	

ORDER OF THE COURT ON RECOMMENDATIONS  
REGARDING IFP AND CERTIFICATE OF APPEALABILITY

Considering the record in this case and the recommendation of the Magistrate Judge, and pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253 (c), the Court hereby finds and orders:

**IFP STATUS:**

(X) The petitioner is **DENIED** *in forma pauperis* status on appeal. He is not a pauper because his in-forma-pauperis application shows that he has received a workers compensation award of \$29,000 and has \$7,000 in a checking or savings account. (doc. 31, at 1-2.) The Court also certifies, pursuant to Fed. R. App. P. 24(a) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith for the reasons stated in the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed on **July 7, 2015** (doc. 22), which were adopted by order dated **July 9, 2015** (doc. 25). Based on those findings, this Court finds that the appeal does not present legal points of arguable merit and is therefore frivolous. *See Harkins v. Roberts*, 935 F. Supp. 871, 873 (S.D. Miss. 1996) (citing *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983)).

**COA:**

(X) The petitioner is **DENIED** a Certificate of Appealability. The Court previously denied the petitioner a Certificate of Appealability by order dated **July 9, 2015** (doc. 25), for the reasons stated in the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed on **July 7, 2015** (doc. 22). The Court again adopts and incorporates by reference those Findings, Conclusions and Recommendation in support of its finding that the petitioner has failed to make a substantial showing

of the denial of a constitutional right and has failed to show that reasonable jurists would find it debatable whether the Court was correct in its findings. *See Miller-El v. Cockrell*, 537 U.S. 322, 338 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000); 28 U.S.C. § 2253(c)(2).

**SO ORDERED.**

Signed on August 25<sup>th</sup>, 2015

A handwritten signature in cursive script, reading "Ed Kinkeade", written in black ink.

---

ED KINKEADE  
UNITED STATES DISTRICT JUDGE